## IN THE UNITED STATES COURT OF FEDERAL CLAIMS OFFICE OF SPECIAL MASTERS

No. 07-59 JED SNYDER and LILIA SNYDER.

Parents of N.S., a minor, Special Master Christian J. Moran

\*

Petitioners, \*

Filed: January 8, 2013

v.

Damages; DTaP; SCN1A;

SECRETARY OF HEALTH

neurological injury

AND HUMAN SERVICES,

\*

\*

Respondent.

Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., for Petitioner; Voris Edward Johnson, U.S. Department of Justice, Washington, DC, for Respondent.

## <u>UNPUBLISHED DECISION AWARDING DAMAGES<sup>1</sup></u>

On January 24, 2007, Jed and Lilia Snyder filed a petition on behalf of their minor child, N.S., seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the diphtheria-tetanus-acellular-pertussis ("DTaP"), vaccination caused N.S. to suffer neurological injuries. Pet. at 1. Petitioners were found to be entitled to compensation. Snyder v. Sec'v of Health & Human Servs., 102 Fed. Cl. 305 (2011).

After the Court found the petitioners were entitled to compensation, the parties have been determining the amount of compensation. To facilitate this process, eight status conferences were held.

On January 4, 2013, respondent filed a Proffer on Award of Compensation, with which petitioner agrees. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, with Tab A, petitioners are awarded:

1. A lump sum payment of \$1,077,781.64, representing compensation for lost future earnings (\$683,635.98), pain and suffering (\$199,460.08), and life care expenses for Year

<sup>&</sup>lt;sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

One (\$194,685.58), in the form of a check payable to petitioners as guardians/conservators of N.S., for the benefit of N.S. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as the guardians/conservators of N.S.'s estate;

- 2. A lump sum payment of \$31,767.25, representing compensation for past unreimbursable expenses, payable to Jed and Lilia Snyder, petitioners;
- 3. A lump sum payment of \$39,202.85, representing compensation for satisfaction of the State of Nevada Medicaid lien, payable jointly to petitioners and

State of Nevada
Department of Health and Human Services
Division of Health Care Financing and Policy
c/o Emdeon TPL Unit
P.O. Box 148850
Nashville, TN 37214-8850
Attn: Darcy Williams

Re: Nicholas Snyder, Recipient ID No. 00000563127;

4. A lump sum payment of \$6,088.83, representing compensation for satisfaction of the Health Plan of Nevada Medicaid lien, payable jointly to petitioners and

Health Plan of Nevada P.O. Box 15645 Las Vegas, NV 89114 Attn: Yvette Gutierrez;

5. An amount sufficient to purchase an annuity contract, subject to the conditions described below, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached hereto, paid to the life insurance company4 from which the annuity will be purchased. Compensation for Year Two (beginning on the first anniversary of the date of judgment) and all subsequent years shall be provided through respondent's purchase of an annuity, which annuity shall make payments directly to petitioners as guardians/conservators of the estate of N.S., for the benefit of N.S., only so long as N.S. is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioners in monthly, quarterly, annual or other installments. The "annual amounts" set forth in the chart at Tab A describe only the total yearly sum to be paid to petitioners and do not require that the payment be made in one annual installment.

The Clerk's Office is instructed to enter judgment in accord with this decision unless a motion for review is filed.<sup>2</sup> The Clerk's Office is also instructed to provide a copy of this decision to the presiding judge, pursuant to Vaccine Rule 28.1(a).

<sup>&</sup>lt;sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

Any questions may be directed to my law clerk, Philip Johnson, at (202) 357-6521.

## IT IS SO ORDERED.

S/ Christian J. Moran Christian J. Moran Special Master